

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/002545

International filing date (day/month/year)
05.08.2004

Priority date (day/month/year)
06.08.2003

International Patent Classification (IPC) or both national classification and IPC
B65B61/24, B65B11/32

Applicant
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1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002545

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002545

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,3,4,6,7,9-12,15-19
Inventive step (IS)	Yes: Claims	
	No: Claims	2,5,8,13
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. The following documents are referred to in this communication:

D1 : US 5 794 413 A
D2 : US 2 723 516 A
D3 : US 5 410 858 A
D4 : EP 0 970 889 A
D5 : EP 0 608 823 A
D6 : EP 0 771 731 A
D7 : US 2 603 047 A
D8 : EP 1 176 097 A

2. INDEPENDENT CLAIMS 1, 10 AND 19

- 2.1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 10 and 19 is not new in the sense of Article 33(2) PCT.

Document D1 discloses a method of wrapping products 2 comprising the steps of:

- conveying a succession of products, each enveloped in a wrapper of substantially parallelepiped box-like appearance, along a predetermined path (see for instance figure 2);
- subjecting each single product, in the course its progress along the path, to a finishing operation that consists in deforming at least one part of the wrapper in such a way as will cause the wrapper to adhere closely to the surface of the product (see for instance figures 10,11; column 5, lines 29-39; column 6, lines 9-25).

All the features of defined in claim 1 are consequently disclosed in D1.

- 2.2. Document D1 also discloses a device for wrapping products having all the features defined in claim 10.
- 2.3. Document D8 discloses a stick pack comprising a group of products suitable to be wrapped by the method of claim 1. Figure 4 of D8 shows a stick having clearly all the structural features defined in claim 19.

3. Also any of the documents D2-D5 discloses a method and a device having all the features defined in claims 1 and 10 respectively.

4. **DEPENDENT CLAIMS 2-9 and 11-18**

Dependent claims 2-9 and 11-18 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

- 5.1. The features of dependent claims 3,4,6,7,11,12,14,15,16,17 and 18 are disclosed in D1. They are also at least suggested by any documents D2-D5.
- 5.2. The features of dependent claim 9 are disclosed in D2.
- 5.3. The features of dependent claim 2 have already been employed for the same purpose in a similar method, see document D6 (for instance figure 38). It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a method according to any of documents D1-D5 and thus arrive at a method according to claim 2.
- 5.4. The features of dependent claims 5 and 13 (use of spring means) have already been employed for the same purpose in a similar device, see document D7, column 11, lines 12-26 and figures 12,13. It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a method and to a device according to document D1 and thus arrive at a method and a device according to claims 5 and 13 respectively.
- 5.5. The combination of features of claim 8 is a matter of normal design procedure in the light of the teaching of D1. The person skilled in the art would regard its inclusion in the method described in document D1 as a normal possibility in order to solve the problem posed.